

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RONALD E. TILLEY,)	
)	
Petitioner,)	
)	
v.)	Civil No. 10-118-B-W
)	
WARDEN, MAINE STATE PRISON,)	
)	
Respondent.)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

On July 1, 2010, the United States Magistrate Judge filed with the Court her Recommended Decision. *Report and Recommended Decision* (Docket # 13) (*Rec. Dec.*).¹ Ronald Tilley filed his objections to the Recommended Decision on July 9, 2010. *Obj. to Rec. Dec.* (Docket # 14). I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision (Docket # 13) of the Magistrate Judge is hereby AFFIRMED.

¹ In a footnote, the Magistrate Judge stated that she understood the State to be conceding that Mr. Tilley's December 5, 2008 post-conviction petition was "properly filed" for purposes of 28 U.S.C. § 2244(d)(2). *Rec. Dec.* at 3 n.2. She went on to say that if she was incorrect, the State must inform the Court before the end of the objection period. *Id.*

The State timely clarified its position in its July 9, 2010 Response to the Recommended Decision, conceding that Mr. Tilley's December 5, 2008 petition was "properly filed" with regard to the new convictions in CR-08-752 & 753 but not with regard to the probation revocations in CR-05-876 & 947. *Resp. to Rec. Dec.* (Docket # 15).

2. It is further ORDERED that the Petitioner's 28 U.S.C. § 2254 Petition (Docket # 1) be and hereby is DENIED.
3. It is further ORDERED that no certificate of appealability should issue in the event the Petitioner files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 12th day of July, 2010